

FILED

OCT 31 2017

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY

**IN THE UNITED STATES DISTRICT COURT
OF THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

KELVIN BROWN,

Plaintiff,

v.

ACE AMERICA INSURANCE COMPANY, PA

Defendant.

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Civil Action No. 5:17-cv-00884-DAE

PLAINTIFF'S MOTION TO DISMISS WITH PREJUDICE

COMES NOW, Plaintiff Kelvin Brown ("Plaintiff") and files this Motion to Dismiss with Prejudice, and would respectfully show the Court the following:

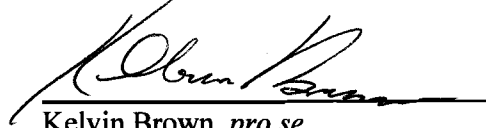
1. This is an insurance coverage lawsuit regarding an Occupational Accident Insurance Policy issued by ACE American Insurance Company ("ACE") to Swift Transportation Co. of Arizona, LLC ("Plaintiff"). Plaintiff sought coverage for an injury sustained on or about September 15, 2015 while attempting to lower a landing gear of Plaintiff's trailer to the head of Plaintiff's truck and any other injuries relating to his work on the truck and/or trailer ("Incident"). ACE accepted the claim, in part, and denied the claim, in part.
2. Plaintiff asserted claims in this lawsuit against ACE, incorrectly identified as "ACE America Insurance Company, PA." ACE has not yet been served with process, and has not made an appearance.
3. The claims asserted against ACE in this lawsuit have now settled.
4. The parties agree to bear their own costs, expenses, and attorney fees incurred in connection with this lawsuit.
5. Accordingly, Plaintiff moves that this lawsuit be dismissed with prejudice.

PRAYER

WHEREFORE, Plaintiff Kelvin Brown prays that this Motion to Dismiss be granted in its entirety, and that Plaintiff's claims asserted against ACE in this lawsuit be dismissed with prejudice.

Dated: October 31, 2017

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Kelvin Brown', is written over a horizontal line.

Kelvin Brown, *pro se*
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